



# REPORT TO DESIGN COMMISSION City of Sacramento

# 2

915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING  
November 16, 2011

To: Members of the Design Commission

**Subject: 3307 Branch Street (Z11-054)**

A request to legalize the recent construction of a two-story single-family dwelling on a parcel approximately 0.11 acres in the Standard Single-Family (R-1) zone, and located in the Del Paso Heights Design Review District.

- A. Environmental Determination: Exempt (CEQA Guidelines Section 15303, New Construction or Conversion);
- B. Design Review to legalize the construction of a single-family home.

**Location/Council District:**

3307 Branch Street, Sacramento, CA 95838

Assessor's Parcel Number 251-0283-003-0000

Council District 2

**Recommendation:** Staffs recommend the Commission deny the request based on the findings listed in Attachment 1. The Commission has final approval authority over items A-B above, and its decision is appealable to City Council.

**Contact:** Robert W. Williams, Associate Planner, (916) 808-7686; Luis Sanchez, AIA, LEED AP BD+C, Senior Architect, (916) 808-5987

**Applicant:** Terry Patterson / The Money Brokers, Inc., (916) 481-3333, 2371 El Camino Avenue, Sacramento, CA 95821

**Owner:** Same as Applicant

**Summary:** A proposal to legalize the recent construction of a 1,696 square foot 2-story single-family residence located in the Del Paso Heights Design Review District, within the Standard Single Family (R-1) zone.

The project will also require a setback variance from the Zoning Administrator, in order to allow this home to remain in the current location. The Zoning Administrator will not consider the setback variance until the action on the design review is completed.

This project was elevated from a previously scheduled Design Director hearing and is before the Commission for the first time. The application is now an action item.



<b>Table 1: Project Information</b>
<b>Existing zoning of site:</b> R-1 (Standard Single-Family)
<b>Existing use of site:</b> 2-story single-family home (with an expired permit)
<b>Property dimensions/area:</b> Approximately 4,770 Square Feet
<b>Building square footage:</b> 1,696 square feet (1,439 Home, 257 Garage).
<b>Building height:</b> 23' to highest roof peak, 17' to plate line
<b>Exterior building materials:</b> Stucco Siding, Composition Roofing

**Background Information:** The project site is located on the west side of Branch Street located between Carmel Street (north) and Rivera Drive (south), in the Del Paso Heights area. The subject parcel is 136.5 feet in length, approximately 4,770 square feet. The front half of the subject parcel is 30 feet wide; the back half of the parcel is 40 feet wide.

On December 21, 2006 a new 2-story single-family residence was approved by design review staff to be constructed on the front portion of the property (DR06-293). The approved project conformed to the guidelines of the Del Paso Heights Design Review District, and the zoning requirements.

A building permit was issued on September 27, 2007 (RES-0701809). A two-story home was fully constructed; however it was not sited or constructed as approved by staff. The building was constructed on the rear half of the property instead of the front, and the design as constructed was not approved. The building was constructed with horizontal slider windows instead of hung windows, it was constructed without the approved front porch, is missing some of the required siding details, and is lacking architectural features on the north side that would help to break up the second story mass adjacent to the neighboring property.

The building was incorrectly constructed within three feet of the north (right) side property line, near the rear of the home. The zoning code requires a three foot side yard setback for this property (lot less than 52 feet wide), but the building only measures 2.39 feet from that property line.

Two neighboring property owners on the south side have fences that encroach into the property. Both of the southerly neighbors encroach about 10 feet onto the property, resulting in the subject property appearing to be about 20 feet wide in the front half and 30 feet wide in the rear half. At the time of construction, rather than moving the fences to the correct parcel lines, the home was constructed in the rear of the property to avoid the intruding fence encroachments.

After the building permit was issued, the record indicates building division staff sent correction notices concerning the location of the home, design, and other concerns, but

these issues were not corrected. The building permit was never finalized and expired two years after issuance.

Recently the property has been acquired by new owners who are attempting to legalize the existing structure. The applicant has applied for a setback variance to maintain the existing side setback and also has applied for design review approval within the Del Paso Heights Design Review District.

Since the building permit has expired, the property is technically considered to be vacant. Staff review of the current application is based on current zoning and design review requirements.

The home is located in the AH Flood zone and a current Flood Elevation Certificate has now been received by staff.

There are significant deviations from the originally approved project as currently constructed. The project does not comply with Single-Family Residential Design Guidelines for the Del Paso Heights Design Review District, or the Alternative Design Standards ordinance which requires additional second floor step-backs (Ord. 2008-050), to reduce the effect of double story massing.

Staff are not able to support the project as currently sited and constructed and have requested the home be moved to the front of the property and be modified to conform to approved design requirements. Due to the potential cost and problems associated with moving and modifying the structure, the applicant has not agreed to this option but has offered to make some of the changes required in the original design review approval.

The project was originally scheduled for a joint hearing before both the Zoning Administrator and the Design Director which was to be heard on October 27, 2011. Prior to the hearing, the item was withdrawn from the hearing agenda. Due to concerns the Design Director had about the project, he chose to elevate the design review portion of the project to the Design Commission. The setback variance will still be heard before the Zoning Administrator at a future date to be determined after the Design Commission action.

**Public/Neighborhood Outreach and Comments:** Early notice of this project was sent to the Del Paso Heights Improvement Association on July 11, 2011. The association has not commented on the project. On October 14, 2011 the site was posted and property owners within 300 feet as well as the neighborhood association were notified of the original joint hearing. Property owners to the north and south called and asked further questions about the project, but did not express specific opinions about the siting or design of the building. On November 8, 2011 a further notice was sent out for the Design Commission Hearing. To date, staff have not received any additional calls.

**Environmental Considerations:** The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that it is exempt from the provisions of the California Environmental Quality Act (CEQA)

under Class 3, Section number 15303 New Construction or Conversion of Small Structures for the new single-family residence in a residential zone.

**Policy Considerations:** The 2030 General Plan Update was adopted by City Council on March 3, 2009. The 2030 General Plan's goals, policies, and implementation programs define a roadmap to achieving Sacramento's vision to be the most livable city in America. The 2030 General Plan Update designation of the subject site is Suburban Neighborhood Low Density (SNLD) which provides for provides for low intensity housing and neighborhood support uses. The 2030 General Plan has identified goals and policies under the Land Use and Urban Design Element and the Housing Element. Some of the goals and policies supported by this project are:

1. Neighborhoods. Promote the development and preservation of neighborhoods that provide a variety of housing types, densities, and designs and a mix of uses and services that address the diverse needs of Sacramento residents of all ages, socio-economic groups, and abilities. Land Use and Urban Design Element (Goal LU 4.1)
2. The City shall promote quality residential infill development through the creation/adoption of flexible development standards and with funding resources. Housing Element (Policy H-2.2.1)

The original project submittal (DR06-293) was reviewed for compliance with the Design Review criteria of December 2006. Instead of constructing the project as approved, the home builder constructed a different home which is not compliant with the approvals or the design review standards. The existing home is also not compliant under current zoning and building code requirements, or the building permit that was issued based on the prior plans.

**Project Design:** This proposed project is inconsistent with the previous approval, is inconsistent with the Del Paso Heights Residential Design Guidelines, and is inconsistent with the Alternative Design Standards Ordinance. Staff is not supportive of the existing design and recommends the home be substantially modified to comply with the previously approved design and relocated to the front of the lot in order to comply with the previous approval and the Del Paso Heights Guidelines.

**Design Policy Considerations:** Promote creative architectural solutions that acknowledge contextual design issues, yet allow for flexibility and variety of design. Complement the architectural character of the Sacramento area and promote harmony in the visual relationships and transitions between new and older buildings. Relate the bulk of the new structure to the scale or context of existing area to avoid an overwhelming or dominating appearance. Enhance the pedestrian experience. Promote efforts to utilize high-quality building materials, detailing and landscaping.

**Design Guidelines Considerations:** Residential Design Review guidelines of the Del Paso Heights Design Review District require new homes be oriented toward the front of the lot and the front setback of new homes be the average of the setbacks of existing homes on the block.

In this instance the project previously approved provided for a home that was much closer to the street. The builder did not notify staff of any issue that would have required the home to be constructed in the rear of the property. The homes on the block and most the homes in the neighborhood are significantly closer to the street.

**Staff Evaluation:** Staff is requesting the home be moved to the originally approved location on the front of the lot, and comply with previously approved conditions of approval. Staff cannot recommend approval of the project with the home in the current location on the rear of the lot, in violation of the Del Paso Heights Design Guidelines, and in conflict of the original project approval. Unfortunately, the builder at the time completed construction in spite of building permit correction notices requiring him to submit revised plans for review.

If the building was to be approved by the Commission to remain in the current location, it is possible to apply many of the previously approved conditions, such as hung windows, covered porch, and siding details. However all windows and doors that are closer than three feet to the property line on the north side of the building will be required to be removed in order to conform to building code fire protection requirements. Eaves closer than two feet to the property line would be required to be cut back to conform to building code requirements.

**Staff Recommendations:** Staff recommends that the Design Commission deny the project based on the findings of fact and subject to the conditions listed in Attachment 1.

Respectfully submitted by: Robert W. Williams  
ROBERT W. WILLIAMS  
Associate Planner

Recommendation Approved:

Luis R. Sanchez  
LUIS R. SANCHEZ, AIA, LEED AP BD+C  
Senior Architect

William Crouch  
WILLIAM CROUCH, AICP, AIA, NCARB  
Urban Design Manager

Attachments:

Attachment 1	Recommended Findings of Fact
Exhibit 1A	Site Plan Submitted by Applicant
Exhibit 1B	Floor Plan Submitted by Applicant
Exhibit 1C	Elevations Submitted by Applicant
Exhibit 1D	Site Survey Submitted by Applicant
Exhibit 1E	DR06-293 Conditions of Approval – December 21, 2006
Exhibit 1F	DR06-293 Approved Site Plan – December 21, 2006
Exhibit 1G	DR06-293 Approved Floor Plan – December 21, 2006
Exhibit 1H	DR06-293 Approved Elevation – December 21, 2006
Attachment 2	Photos of Structure as built
Attachment 3	Aerials of Structure as built
Attachment 4	Oblique Aerials

**Attachment 1  
Proposed Findings of Fact and Conditions of Approval  
3307 Branch Street (Z11-054)  
3307 Branch Street**

**Findings Of Fact**

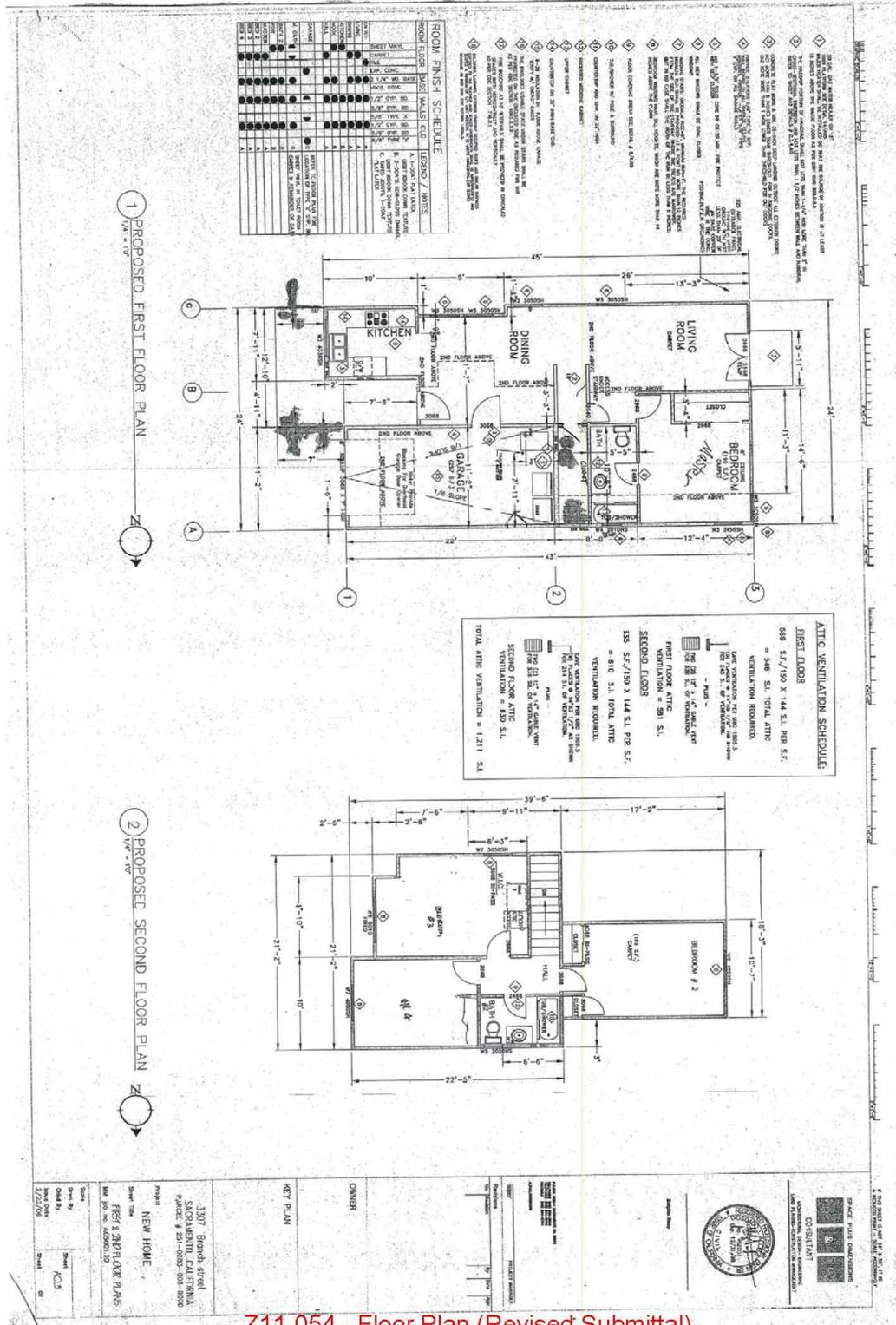
- A. Environmental Determination: Exempt (CEQA Guidelines Section 15303, New Construction or Conversion);
- B. The Design Review to legalize the construction of a single-family home is denied subject to the following Findings of Fact.

The home in its current location and condition is inconsistent with the Del Paso Heights Design Review Guidelines for the following reasons:

1. The home is located in the rear of the property.
2. The home has horizontal slider windows instead of single hung windows.
3. The home does not have a front porch.
4. The home is missing some of the required siding details.
5. The home is lacking architectural features on the north side that would help to break up the second story mass adjacent to the neighboring property.

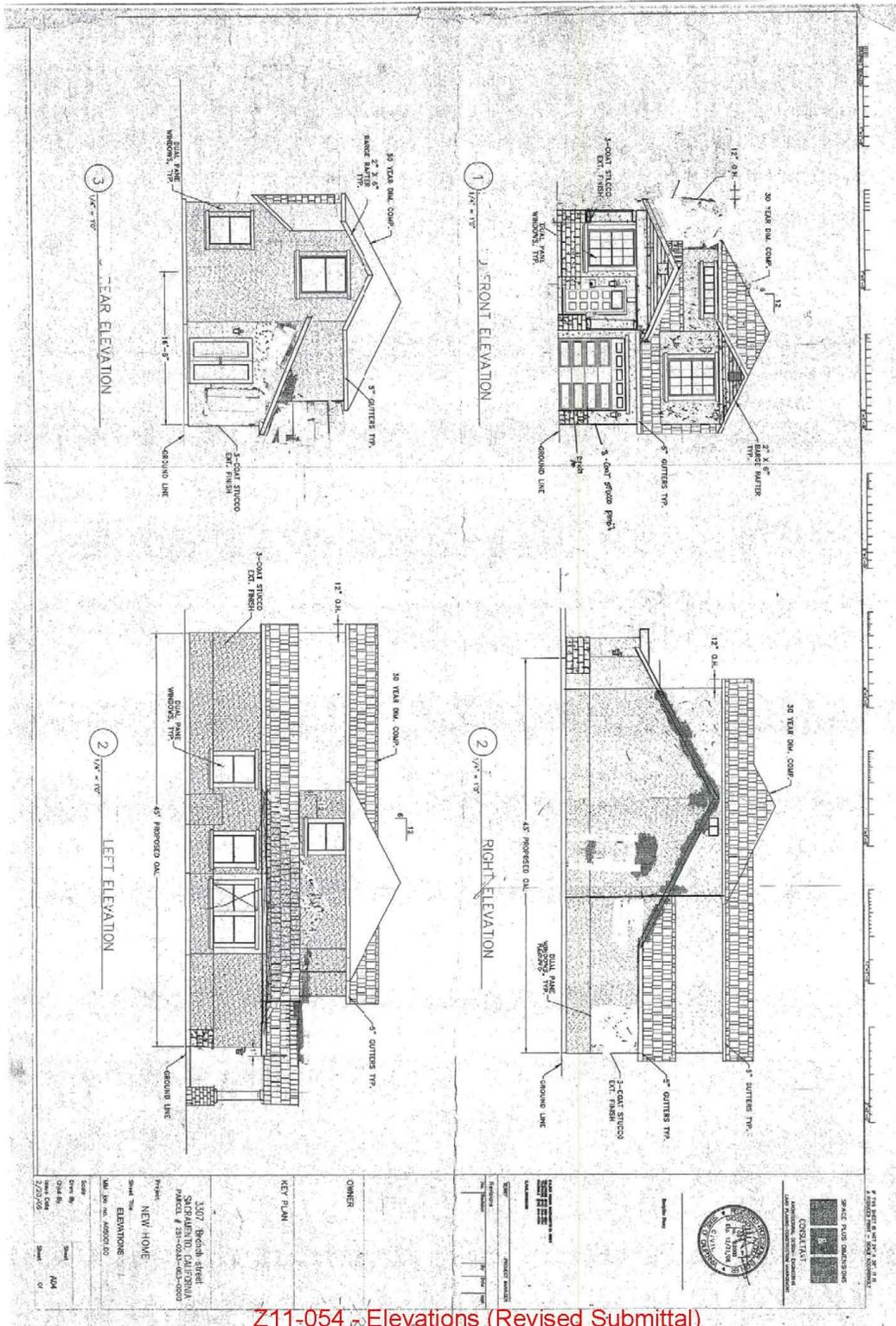


Exhibit 1B - Z11-054 – Floor Plan Submitted by Applicant



Z11-054 - Floor Plan (Revised Submittal)

Exhibit 1C - Z11-054 – Elevations Submitted by Applicant



Z11-054 - Elevations (Revised Submittal)



Exhibit 1E - DR06-293 – Conditions of Approval – December 21, 2006



CITY OF SACRAMENTO  
CALIFORNIA

DEVELOPMENT SERVICES  
DEPARTMENT  
PHONE 916-264-5381

915 I STREET, 3<sup>RD</sup> FLOOR  
SACRAMENTO, CA 95814-2998  
FAX 916-264-5543

STAFF LEVEL PROJECT REVIEW

DR Number:	DR06-293	Applicant/Owner:	Kishore Jadubans
Address:	3313 Branch Street	Date Filed:	November 13, 2006
Description:	New Single Family Residence	Date Approved:	December 21, 2006
APN:	251-0283-003	Staff Contact:	Leslie Gross, 808-5881

**STAFF ACTION AND CONDITIONS OF APPROVAL:**

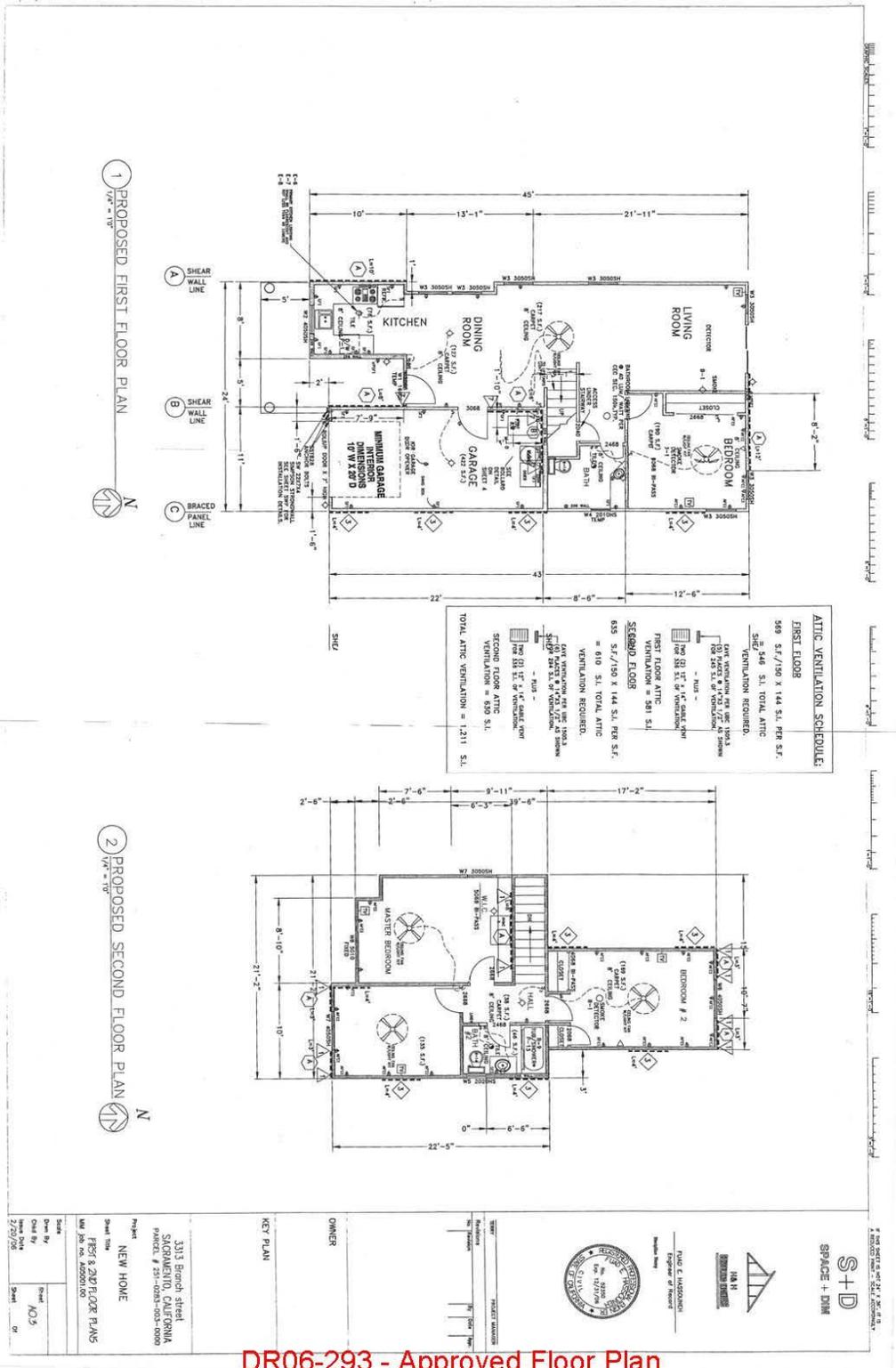
Staff has reviewed the proposed project, and approves it with the following conditions of approval:

1. Windows at front and right side elevations and rear elevation 2<sup>nd</sup>-floor shall be single or double hung wide frame vinyl or wood, with grids, decorative (2" X 4") trim and projecting sills. Fixed windows at master bedroom and at front entry shall be provided, as shown on approved drawings.
2. Windows at all other elevations shall be single or double hung wide frame vinyl or wood, decorative (2" X 4") trim and projecting sills, as shown in approved drawings.
3. Rectangular gable vent with decorative (1" x 2" at minimum) trim shall be provided at upper gables of front, right and left elevation, as shown on approved drawings.
4. 4" exposure horizontal lap siding shall be provided at all upper gables at front elevation, as shown in approved drawings. All board and baton siding shall be smooth finish.
5. 2" X 12" wood or fiber cement fascia board shall be provided at gables at front elevation, as shown on approved drawings.
6. Decorative 10" columns, with 18" build-out brick bases shall be provided at front porch element, as shown in approved drawings. Columns shall not be curved.
7. All woodwork shall be smooth finish. No rough sawn.
8. Stucco finish shall be smooth.
9. Brick wainscot shall be provided at front elevation, wrapping two feet around sides, as shown on approved drawings.
10. Front entry door and garage door shall have a raised panel design that complements building design. Rectangular or Square windows with grids shall be provided at top panels of front entry and garage door, as shown on approved drawings.
11. Front yard landscaping (including lawn, shrubs, and a minimum of one tree) and automatic irrigation shall be provided.
12. Roofing shall be a minimum 30-year laminated dimensional composition shingle.
13. Gutters and downspouts shall be provided.
14. Provide decorative style light fixtures that complement building design at front, rear and garage doors.
15. No roof-mounted mechanical equipment is allowed.
16. All other notes and drawings on the final plans as submitted by the applicant are deemed conditions of approval. Any changes to the final set of plans stamped by Design Review staff shall be subject to review and approval prior to any changes.
17. No building permit shall be issued until the expiration of the 10 day appeal period. If an appeal is filed, no permit shall be issued until final approval is received.
18. The applicant and the owners of all properties adjoining the subject property have the right to appeal this decision to the Design Review and Preservation Board. Appeals must be filed within 10 days of the staff action.

  
 pr Luis R. Sanchez, AIA  
 Design Review Director

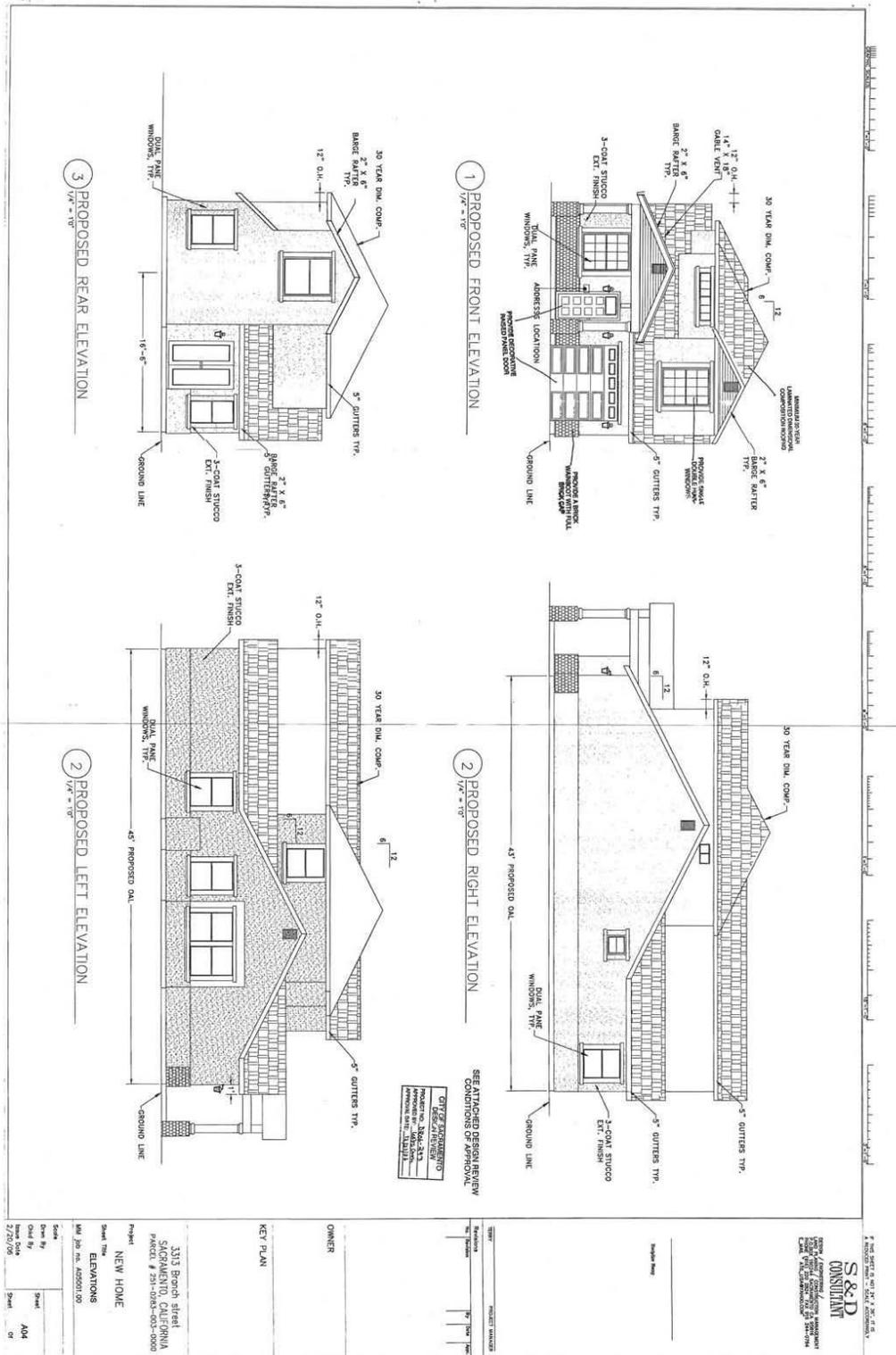


Exhibit 1G - DR06-293 - Approved Floor Plan – December 21, 2006



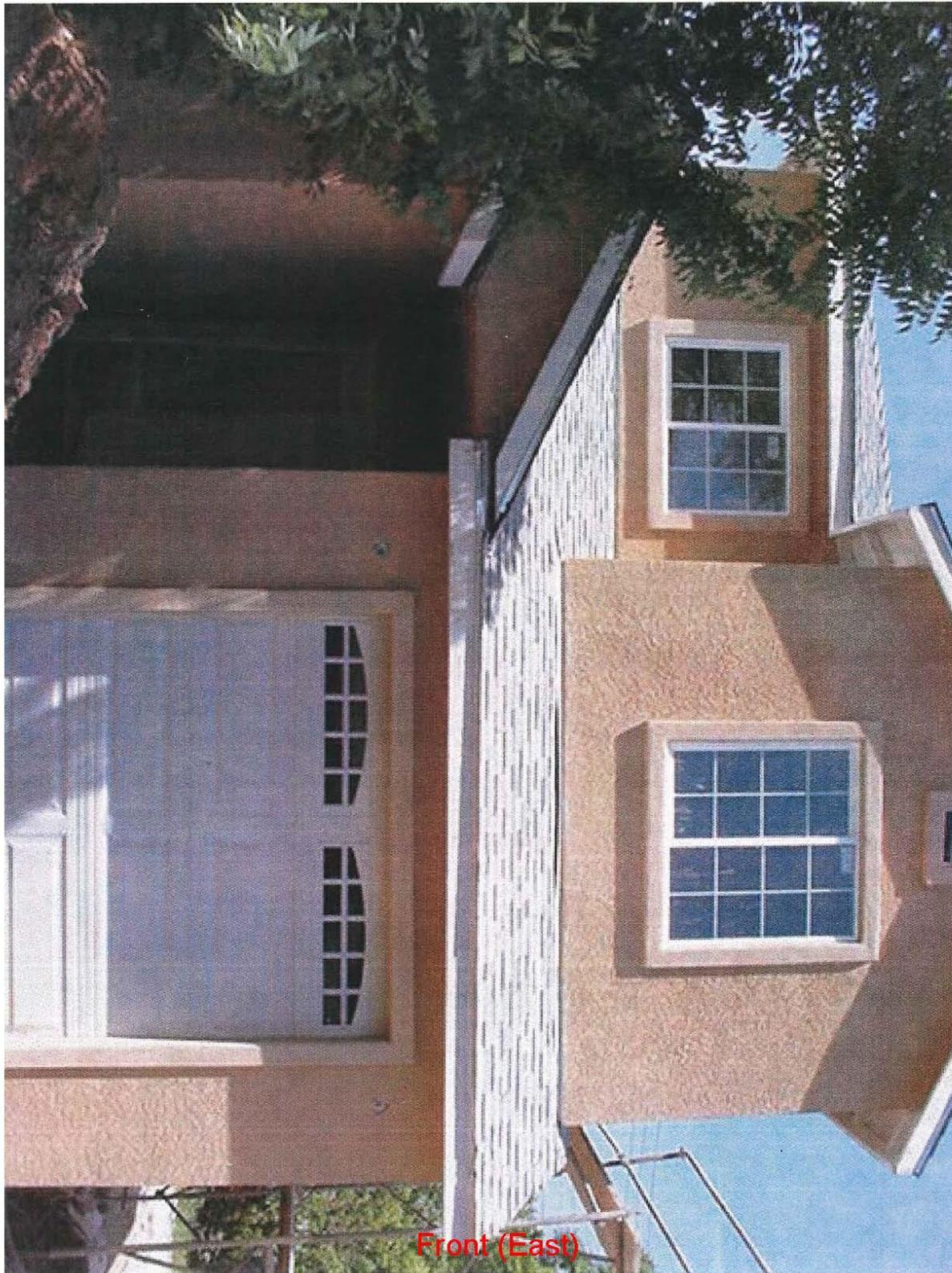
DR06-293 - Approved Floor Plan

Exhibit 1H - DR06-293 - Approved Elevations – December 21, 2006

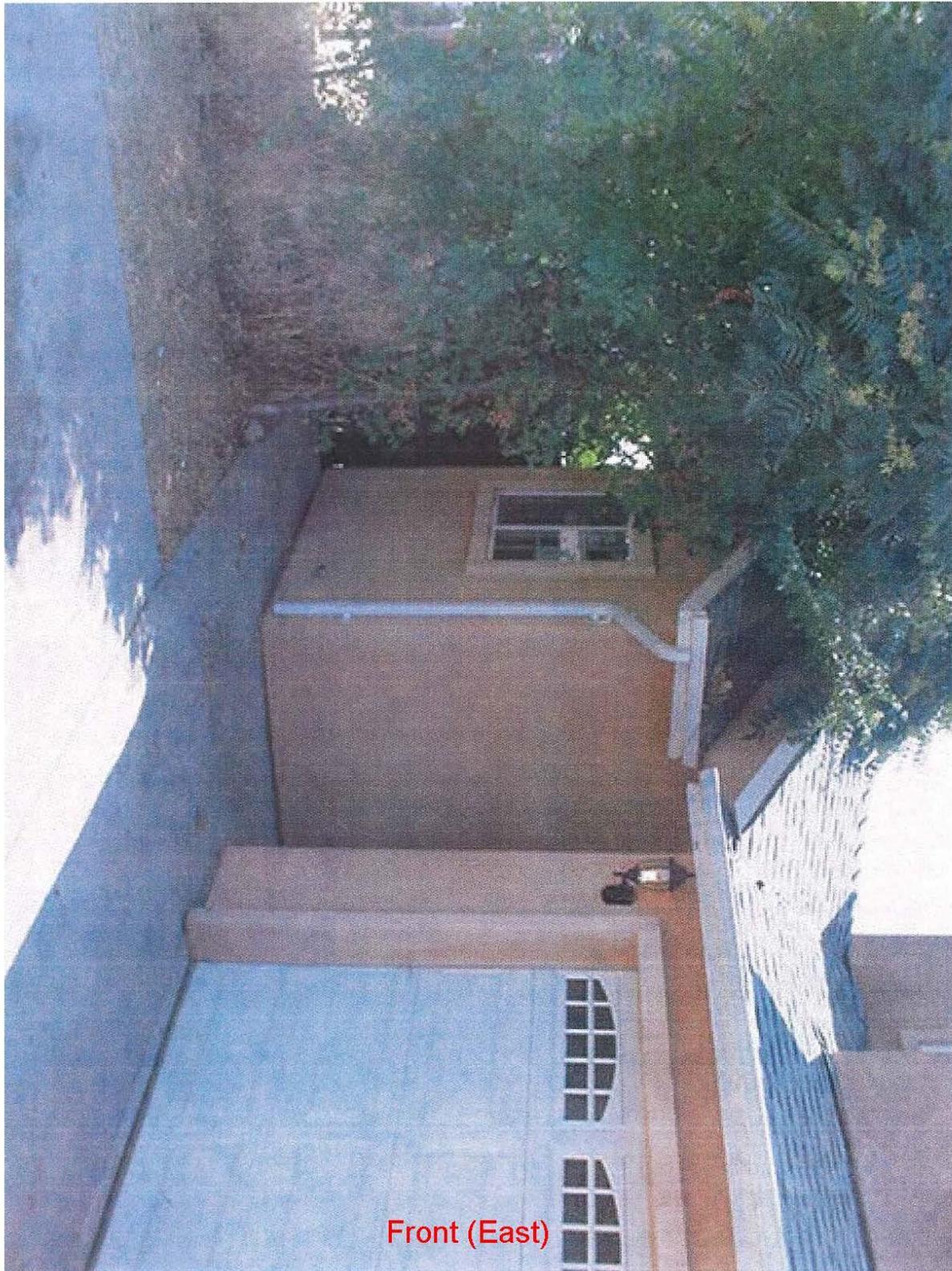


DR06-293 - Approved Elevations

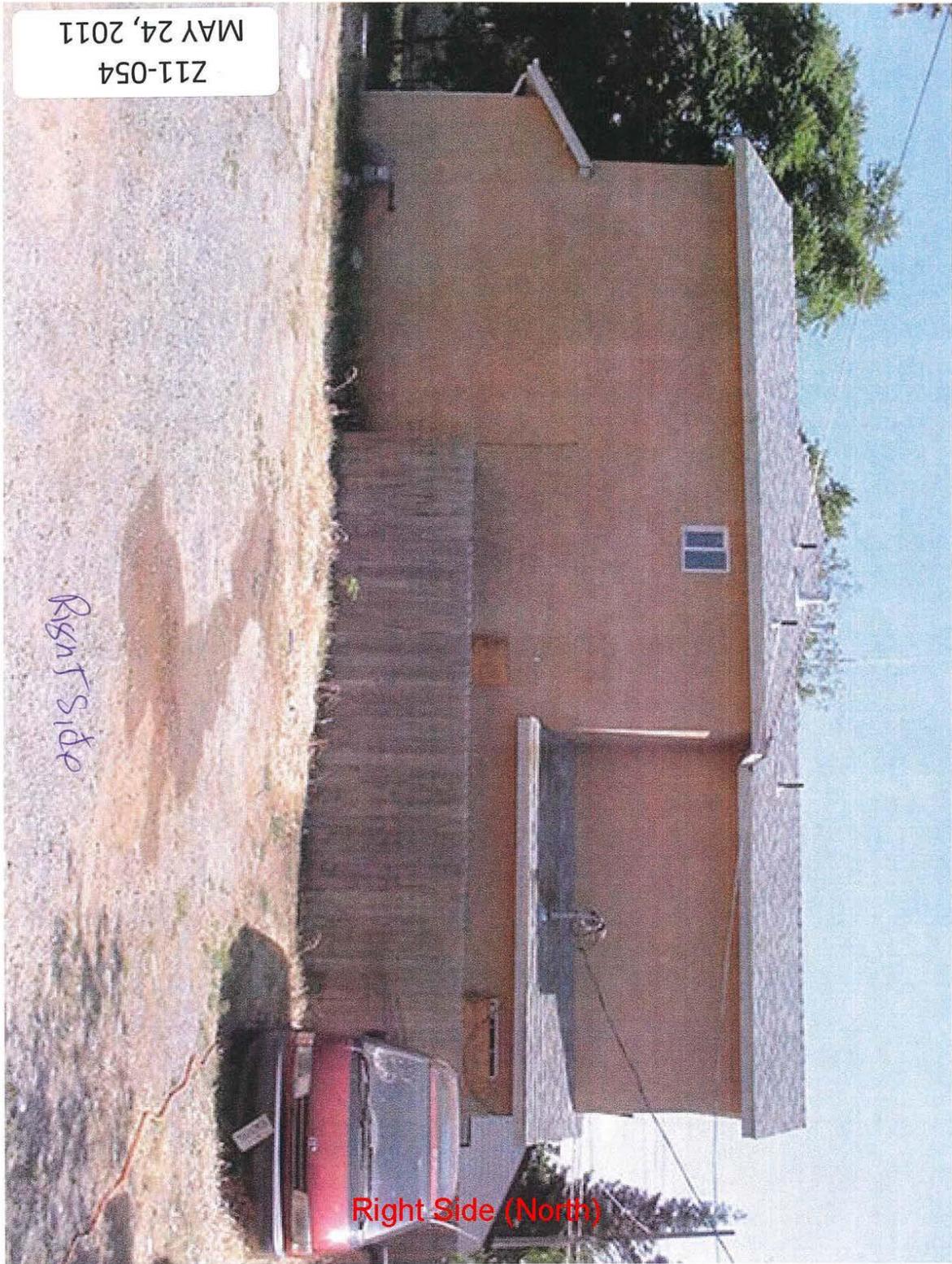
Attachment 2 - Photos of Structure as built



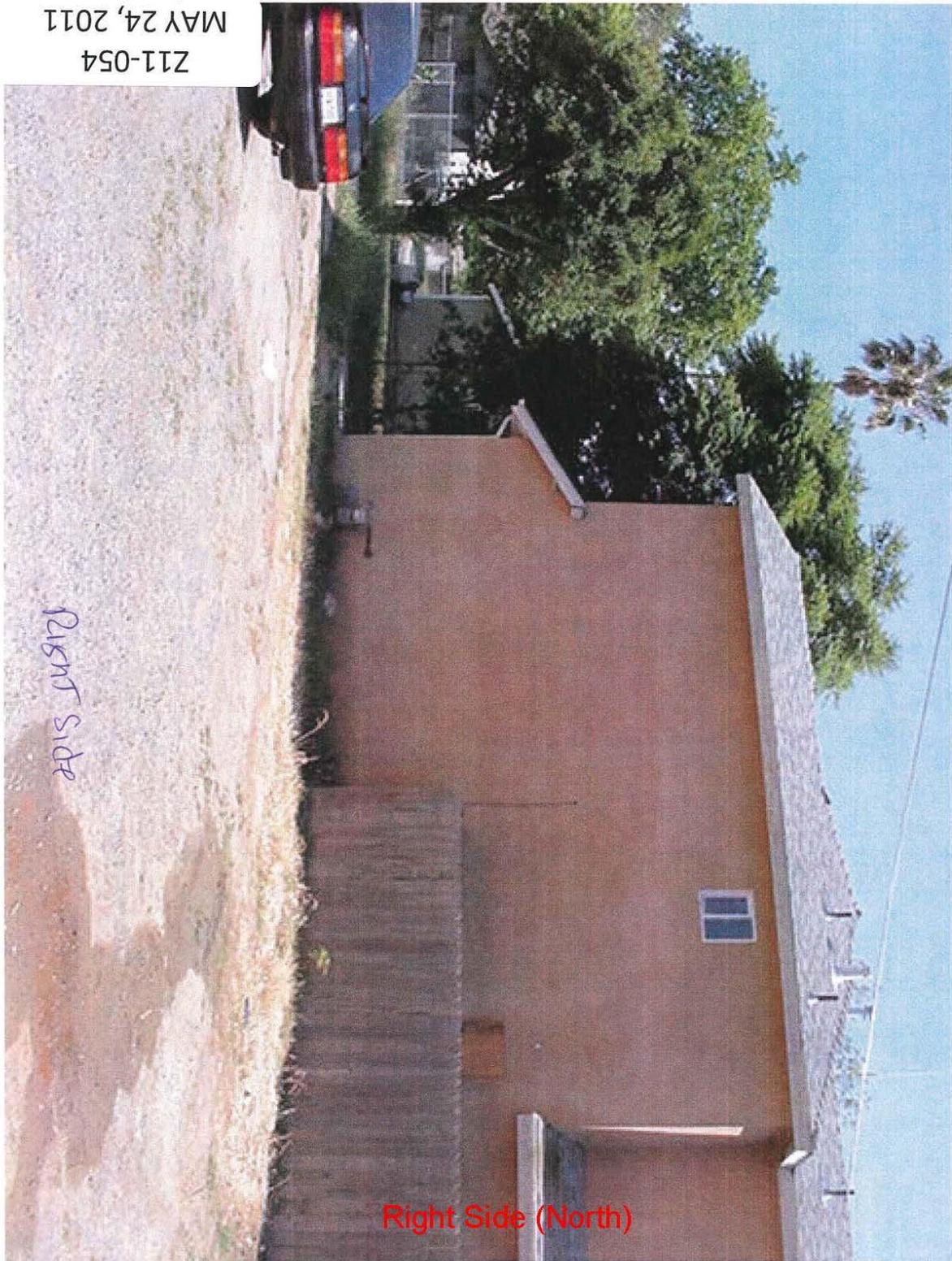
Attachment 2 - Photos of Structure as built (cont.)



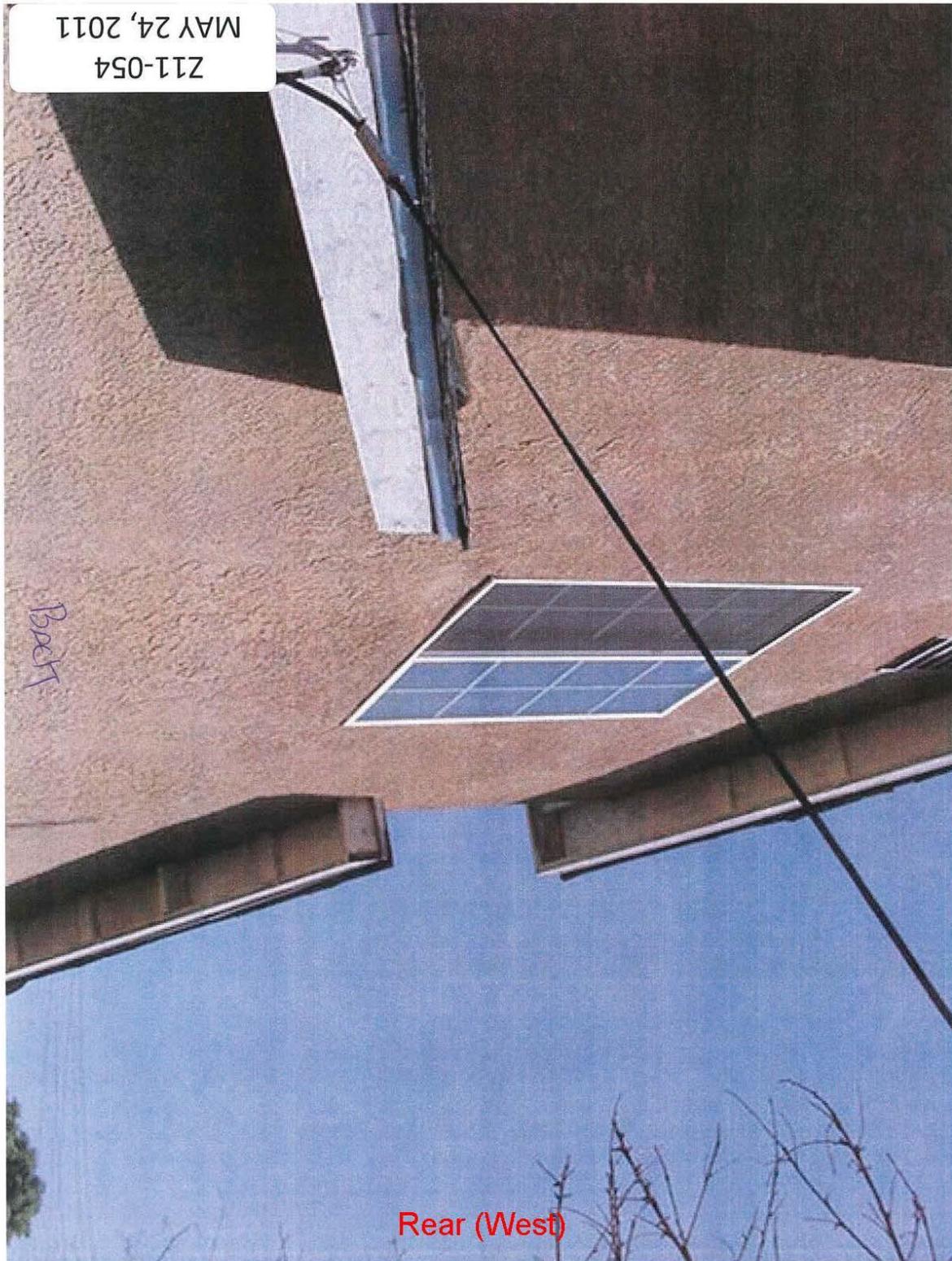
Attachment 2 - Photos of Structure as built (cont.)



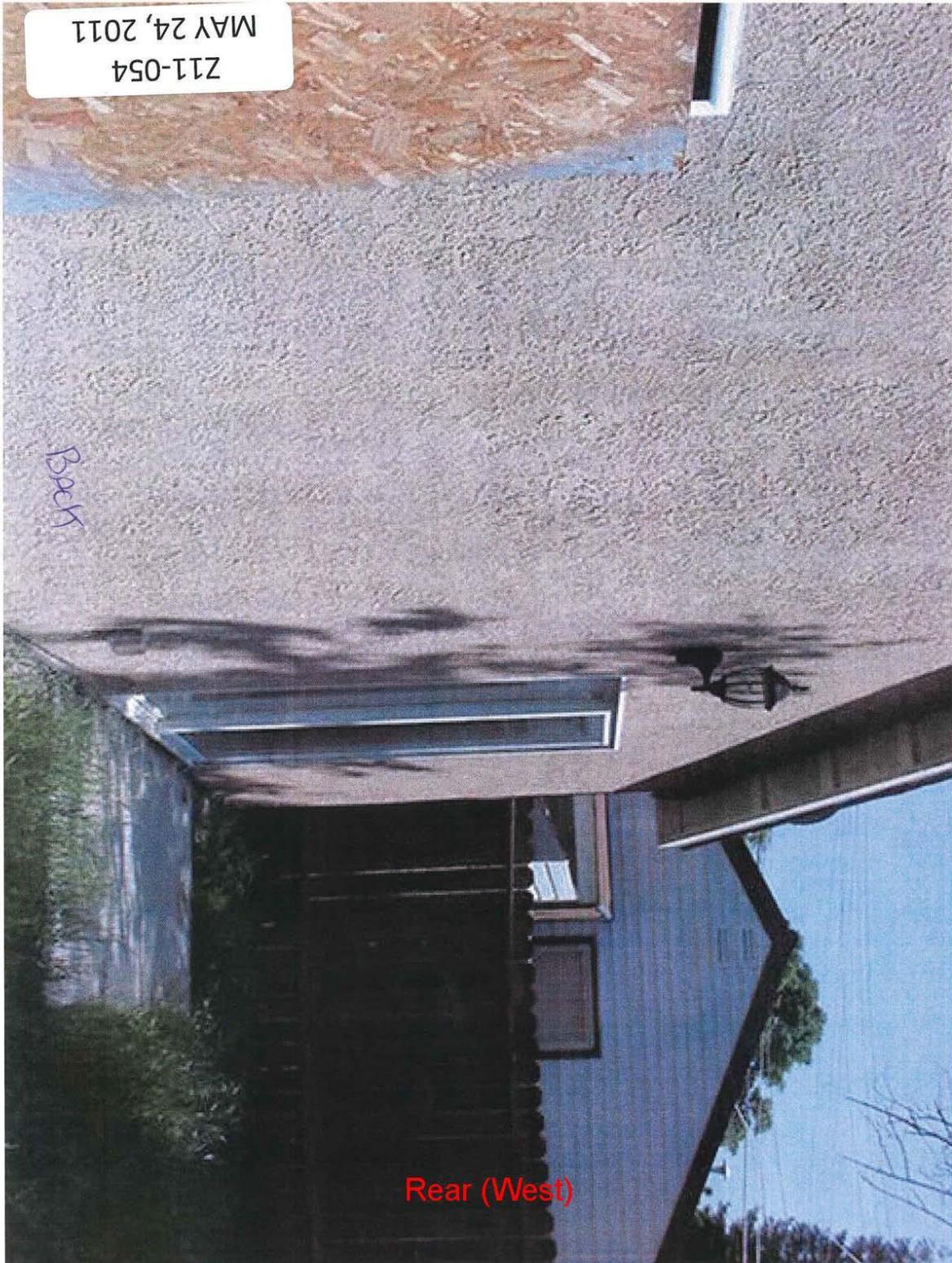
Attachment 2 - Photos of Structure as built (cont.)



Attachment 2 - Photos of Structure as built (cont.)



Attachment 2 - Photos of Structure as built (cont.)



Attachment 3 – Aerials of Structure as built

**City of Sacramento**  
Community Development  
Department  
Current Planning  
Division

**Z11-054**

**3307 Branch Street**  
251-0283-003-0000  
R-1 zone  
Setback Variance,  
Del Paso Heights Design Review

(The home was constructed in different location than was approved, the design was not constructed as approved, by DR06-293, and the building permit has expired, RES-0701809)

City of Sacramento  
Community Development  
Aerial Photo from March 2009

100 50 0 100 Feet

2009

Attachment 3 – Aerials of Structure as built (cont.)

**City Of Sacramento**  
Community Development  
Department  
Current Planning  
Division

**Z11-054**

**3307 Branch Street**  
**251-0283-003-0000**  
**R-1 zone**  
**Setback Variance,**  
**Del Paso Heights Design Review**

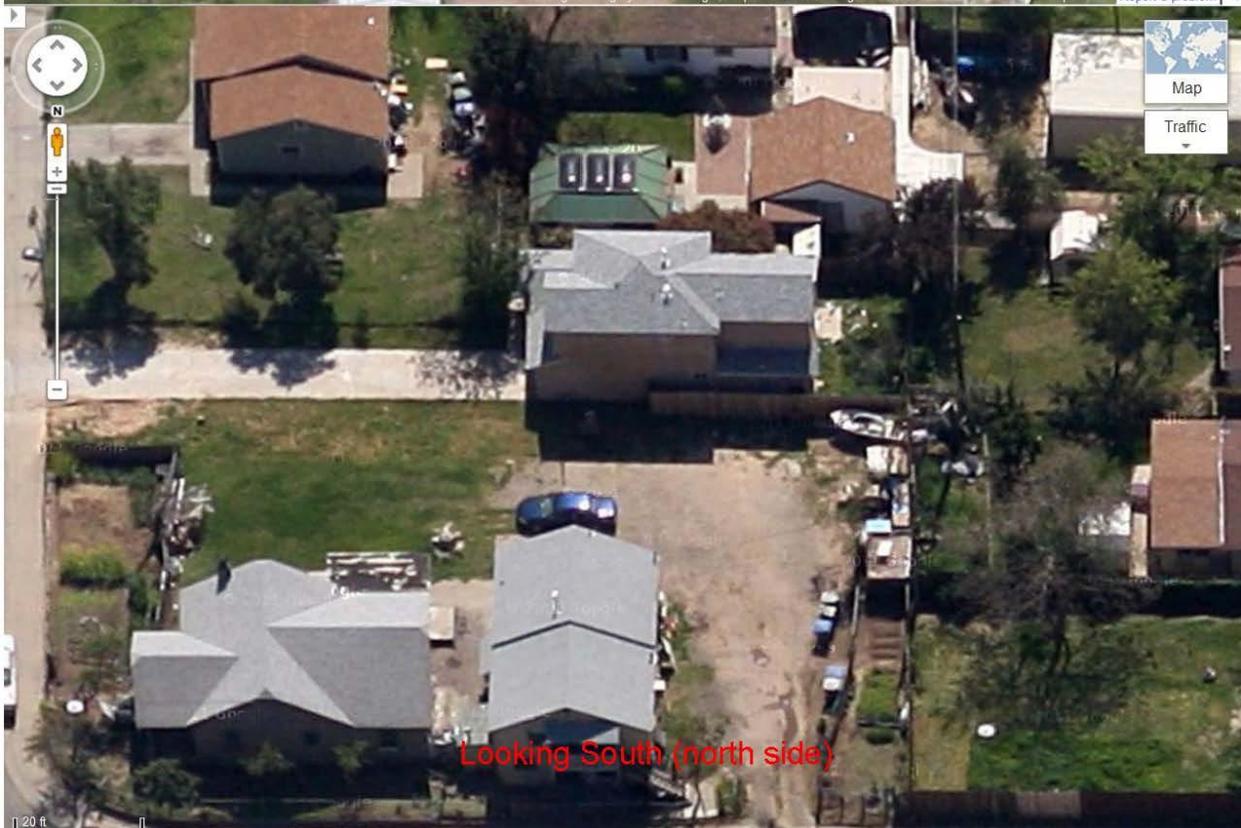
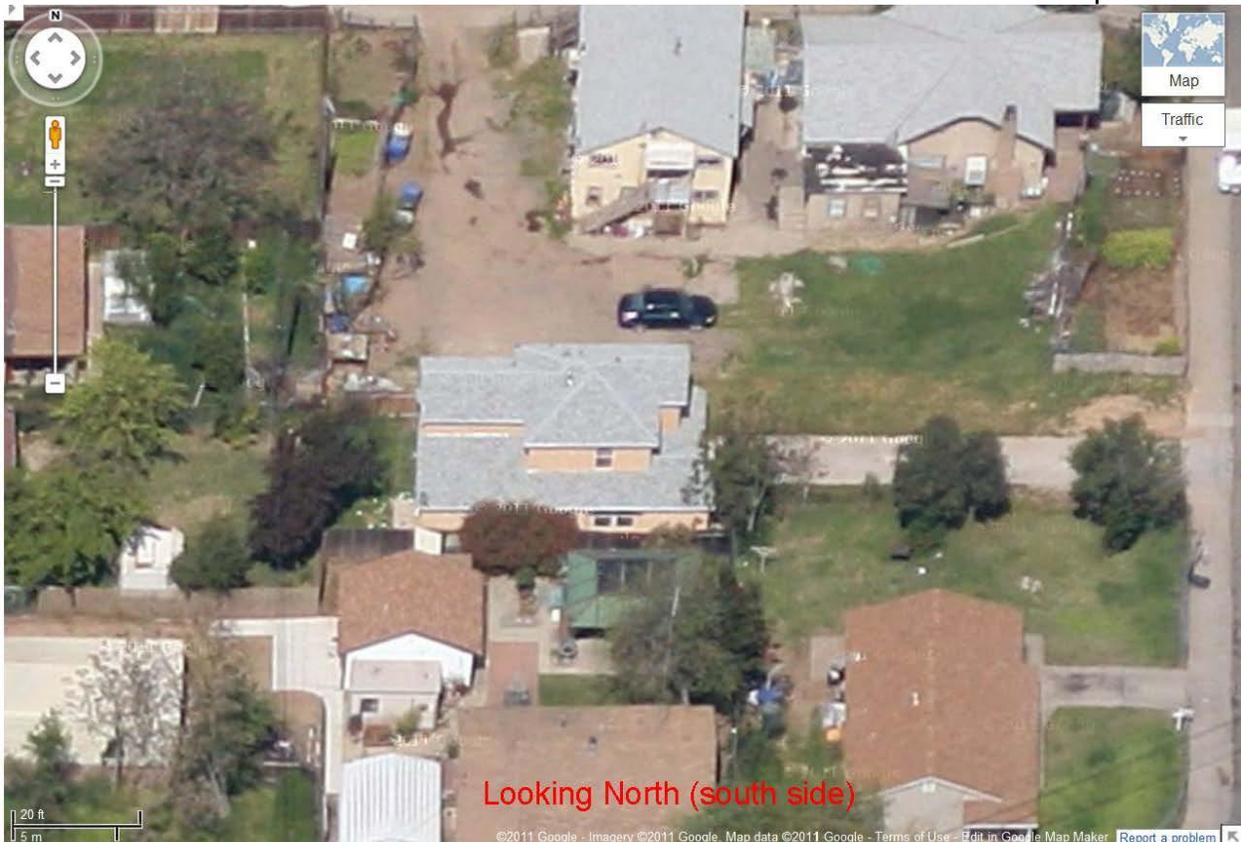
(The home was constructed in different location than was approved, the design was not constructed as approved by DR06-293, and the building permit has expired, RES-0701809)

**2009**

**Community Development**  
CITY OF SACRAMENTO  
SACRAMENTO, CALIFORNIA  
Aerial Photo from March 2009

100  
50  
0  
100  
Feet

Attachment 4 - Oblique Aerials



Attachment 4 - Oblique Aerials (cont.)

